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RUEHHM/AMCONSUL HO CHI MINH CITY PRIORITY 6398

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SENSITIVE
SIPDIS

STATE FOR EAP/MLS AND DRL/AWH

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [PREL](#) [VM](#)

SUBJECT: DISSIDENTS CHARGED WITH ATTEMPTING TO OVERTHROW GOVERNMENT

REF: A) HANOI 820 B) HCMC 651 C) HANOI 633 AND PREVIOUS

¶1. (SBU) Post has learned that jailed lawyer Le Cong Dinh and democracy activists Nguyen Tien Trung and Tran Anh Kim have been charged with attempting to overthrow the GVN under Article 79, a national security provision that carries the most severe penalties under the law -- twelve and twenty years in prison, life imprisonment, or even capital punishment -- for "organizers, instigators and active participants" of anti-GVN activities. "Accomplices" face between five to fifteen years in prison. These penalties are much more severe than those under Article 88, "propagandizing against the state," which normally carries a sentence of three to twelve years. (Note: Dinh, Trung and Kim were all originally charged with violating Article 88 when arrested. Additionally, their televised confessions aired in June and August focused on their admission of violating Article 88 and not Article 79 (ref A). END NOTE.)

¶2. (SBU) Dinh and Trung's family members visited them in detention this past week and told ConGenoff they are in good health, though Dinh's wife said he has lost weight. Nguyen Tien Trung's parents have secured a defense lawyer who has been approved to represent him in court (ref B). Le Cong Dinh plans to defend himself. Post has been unable to confirm legal arrangements or charges being brought against Tran Nguyen Duy Thuc, but have heard from the family of Tran Anh Kim that they too anticipate that he will be tried by the end of the year under Article 79 (ref C).

¶3. (SBU) While many NGOs outside Vietnam have speculated that a trial will be held on Christmas Day because it would make a high level of international media attention and the presence of foreign observers less likely, family members and legal counsel for Dinh and Trung said they have not yet received notification of trial dates. Dinh's wife said she expected any trial would occur soon over several days, making Friday the 25th an unlikely start date.

¶4. (SBU) Post has submitted a diplomatic note requesting authorization to observe the trials.

¶5. (U) This cable was coordinated with Embassy Hanoi.

FAIRFAX